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December 15, 2005

To: Mayor Michael D. Antonovich
Supervisor Zev Yaroslavsky, Chair Pro Tem
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe

From: David Sanders, Ph.D. 
Director

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**JULY 12, 2005 BOARD AGENDA ITEM #7; and NOVEMBER 15, 2005 BOARD AGENDA
ITEM #36-A: THE DCFS – OFFICE OF INDEPENDENT REVIEW**

On August 11, 2005, the Department of Children and Family Services (DCFS) reported to the Board with an implementation plan replicating the Office of Independent Review (OIR) model, successfully utilized by the Sheriff's Department for review of the Department's internal investigation process, in order to:

- (1) Ensure the integrity of DCFS' internal investigations and translate investigative review findings into organizational policy and practice changes; and
- (2) Assist the DCFS Director and staff in implementing changes that will strengthen DCFS' internal processes.

The above report addressed the goals and benefits of an OIR-DCFS model of internal investigations while discussing critical functions related to the proposed scope of operations between OIR and DCFS. For example, the model would enable the capability of an independent resource to study DCFS' policies, procedures and best practices while strengthening the department's internal processes.

Furthermore, as special counsel for DCFS executives and investigators, an OIR-DCFS will be able to provide independent civilian oversight of DCFS' internal investigations, similar to those contracted operations that OIR currently maintains for LASD, thus alleviating concerns regarding DCFS employee misconduct.

This present update specifically includes an update regarding the following areas:

- (1) Any related confidentiality issues that may result from oversight responsibilities performed by OIR; and
- (2) The proposed contracts for OIR in the 2005-06 Fiscal Year.

ACCESS TO RECORDS AND CONFIDENTIALITY

The OIR-DCFS model would require OIR to have access on an attorney-client basis to confidential records of the County, its departments and officers as may be material and relevant to performance of services agreed in the contract. According to the Office of County Counsel, any potential confidentiality issues do not prevent the establishment of an OIR-DCFS contract. In addition, County Counsel will advise the department on any potential issues involving matters of confidentiality as they arise.

PROPOSED CONTRACTS

County Counsel is the contract manager and lead in negotiating the contract language for the OIR contract. County Counsel has completed the contracts necessary to establish OIR-DCFS and has submitted them to the Chief Attorney of the Office of Independent Review for his review. The Chief Attorney accepts the current draft with one small change that County Counsel is reviewing. In addition, the department has resolved fiscal related issues by identifying sufficient resources through redirecting the funds intended for the Inspector General to OIR as well as other existing department resources. The contracts will be moved as quickly as possible for Board approval once they are signed by OIR. In the interim, we have an existing individual contract for one case and we are currently finalizing a second individualized contract.

CONCLUSION

The proposed contract with OIR to assume oversight responsibilities for and coordination of the independent review process of DCFS' internal investigation in the 2005-06 Fiscal Year would enhance the County's ability to provide fair and impartial review of internal DCFS investigations by significantly enhancing the County's credibility. Furthermore, the relationship will provide confidence to the citizens of Los Angeles County that allegations of misconduct by employees of DCFS are handled professionally and objectively.

If you have any questions or need additional information, please call me, or your staff may contact Helen Berberian, Board Relations Manager, at (213) 351-5530.

DS:JS:
DMW:dmw

- c: Chief Administrative Officer
County Counsel
Board of Supervisors Executive Officer
Auditor-Controller
Office of Independent Review